UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.32
16 November 1992

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Second session

SUMMARY RECORD OF THE 32nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 30 September 1992, at 10 a.m.

Chairman: Mrs. EUFEMIO

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(a) Action by the General Assembly at its forty-sixth session

(b) Action by the Commission on Human Rights at its forty-eighth session

(c) Developments in other human rights treaty monitoring bodies

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GE.92-17699 (E)

The meeting was called to order at 10.25 a.m.

REVIEW OF DEVELOPMENTS RELEVANT TO THE WORK OF THE COMMITTEE, INCLUDING:
(a) ACTION BY THE GENERAL ASSEMBLY AT ITS FORTY-SIXTH SESSION
(b) ACTION BY THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-EIGHTH SESSION
(c) DEVELOPMENTS IN OTHER HUMAN RIGHTS TREATY MONITORING BODIES
(agenda item 4) (continued)

1. Mrs. BADRAN said that she had attended a seminar on the theme "Children of war, where are they?", held in Amman (Jordan) from 14 to 17 September 1992 by the World Council of Churches (Middle East Section), under the patronage of the Queen of Jordan. Most of the 500 participants had been representatives of regional and international NGOs. Some Governments had also been represented, as had United Nations agencies, including UNICEF and UNDP. The seminar had had a number of objectives. The first was, together with the representatives of the churches and other religious communities, NGOs, Governments and international bodies attending the seminar, to look into ways of how best to accomplish the tasks defined in the Convention on the Rights of the Child, as well as by the World Conference on Religion and Peace, held in July 1990, and the World Summit for Children, held in New York in September 1990. The second objective was to launch an appeal to churches and religious communities to look beyond their differences, discover shared values concerning children's problems and act in accordance with those values. The third objective was to encourage NGOs, religious or otherwise, and Governments to pool their resources in order to respond to the urgent needs of children who were victims of the war being waged in the region. Lastly, the seminar had sought ways to make children aware of their own needs and to encourage them to take part in the struggle against hatred and intolerance, with a view to bringing peace to the region.

2. She had made a statement at the seminar to provide background information on the instruments dealing with children's rights in situations of conflict. For instance, she had reported on the Fourth Geneva Convention and the two Protocols, as well as the Convention on the Rights of the Child, in particular article 38. She had taken the opportunity to report on the case of three children, Palestinian, Sudanese and the Lebanese, who were victims of war; she had also described the situation of children in Somalia and Iraq. At the close of the seminar, a declaration had been issued calling on Governments, United Nations bodies and NGOs to coordinate their efforts in order to respond to children's needs.

3. Mrs. BELEMBAOGO informed the Committee that, in November 1991, about 100 NGOs from sub-Saharan Africa had organized a regional forum on children's rights, in cooperation with UNICEF. She and Mr. Mombeshora had attended the seminar, which had been held at Kadoma, in Zimbabwe. At the seminar, she had made a statement on the Convention on the Rights of the Child, its philosophy and implementation. In the declaration adopted at the conclusion of the meeting, participants had underlined the need for increased solidarity among NGOs working on behalf of children in Africa as well as for the establishment of a coordination mechanism which would channel endeavours and make the best possible use of the modest resources available on the African continent.

4. In August 1992, the Regional African Youth Conference had been held at Burkina Faso as a follow-up to the World Youth Conference organized in Kyoto in August 1991 by the organization "The Hunger Project". The Regional Conference, in which UNICEF and UNSO (a subregional organization based in the Sahel) had participated, had dealt with the application of the Convention on

the Rights of the Child and the Plan of Action worked out by the World Summit for Children. The final report adopted by the Regional Conference invited young Africans to contribute individually and collectively to the implementation of the Convention on the Rights of the Child.

5. In November 1992, OAU would be holding a conference of the ministers of the OAU countries, in cooperation with UNICEF, a conference that was to review activities under way in the field of children's rights and the problems, notably financial, relating to their implementation. It was increasingly difficult to accord the necessary priority to children's rights, above all because of the structural adjustment programmes imposed on the African countries. Participants at the meeting would doubtless raise the issue of the ratification of the African Charter on the Rights and Welfare of the Child, which, although adopted in July 1990 by the OAU Heads of State, had not yet entered into force on account of the insufficient number of ratifications.

6. Care must be taken to ensure that Governments honoured the commitments they had undertaken in adopting the Plan of Action prepared by the World Summit for Children and by ratifying the Convention on the Rights of the Child. Children and young people must also be told of their rights under the Convention, and be made aware of human rights in general. The importance of the role played by NGOs with regard to information should also be underlined.

7. Mr. MOMBESHORA said that Mrs. Belembaogo's statement at the regional forum in Kadoma (Zimbabwe) had provided the NGOs present with greater insight into the Convention on the Rights of the Child and the Committee's role. He therefore actively encouraged members of the Committee to participate in such meetings, when the opportunity arose, in order to publicize the Convention.

8. Mrs. SANTOS PAIS suggested that, when a member of the Committee knew of a regional document concerning children's rights, he should provide the Secretariat with a copy so that other members could consult it. For her part, she had handed the Secretariat a set of documents concerning the Council of Europe and the Hague Conference on Private International Law. The Council of Europe was currently considering a draft convention dealing with the exercise by children of the rights listed in the Convention on the Rights of the Child. Furthermore, the Council had set up a Multidisciplinary Coordination Committee on children's policies to assist European countries in applying the international instruments concerning children's rights and to take steps to improve the situation of children in Europe. She would certainly keep members informed of the activities of that committee, in which she was honoured to participate.

9. In May 1992, the European Community had adopted an important resolution inviting those States which had not yet ratified the Convention on the Rights of the Child to do so without reservation. The resolution also requested the States which had ratified the Convention to apply its provisions scrupulously. Again, it invited States to consider the appointment of a mediator for children's rights, who would be instructed to examine complaints concerning the violation of children's rights, protect their rights and interests and advise the competent authorities on the issue. The European Parliament had

adopted a report which requested the European Commission to submit a draft European Charter on children's rights, taking account of the Convention on the Rights of the Child.

10. Lastly, it should be emphasized that the issue central to all meetings in Europe on children's rights was the participation of children in the decision-making process. How could children express their views and how should those views be taken into account? Would the fact that the law recognized a child's right to express himself ensure that he was able to do so in practice?

11. Mgr. BAMBAREN GASTELUMENDI said that, in Latin America, non-governmental organizations coordinated their activities well and achieved excellent results. They focused above all on children who were marginalized by extreme poverty, were exploited, for example for drug trafficking or prostitution, or were sold or even assassinated, as was the case in Guatemala and Brazil. They also dealt with illegal adoption and the many unmarried mothers who were minors. Through the action undertaken by the NGOs as well as the media and the Church, steps had been taken, particularly in Brazil, to improve such situations. The wives of the Latin American Presidents had also held a meeting to consider the question of children. All those factors had prompted Governments to pay closer attention to the implementation of the Convention on the Rights of the Child and to bring their legislation on minors into line with that instrument. In that connection, he would underline the importance of applying article 21 (e) of the Convention, under which States parties were requested to conclude bilateral or multilateral agreements relating to adoption in order to guarantee the survival and quality of life of children adopted abroad. Lastly, the Secretariat should request the Italian Parliament to communicate the findings of the inquiry conducted by one of its parliamentary committees into the sale of organs.

12. Mr. GOMES DA COSTA informed the Committee that three meetings on children's rights had been held recently in Latin America. In 1990, the first Latin American Forum on Children had been held in Buenos Aires and had drawn participants from governmental and non-governmental organizations. It had dealt with the application of the Convention on the Rights of the Child in present-day Latin American society. The Forum's conclusions were contained in a book entitled "Ser niño en América Latina: De las necesidades a los derechos" (Being a child in Latin America: From needs to rights), in which children were no longer simply considered as persons in need, but rather as full subjects of law. The second meeting, which had been geared to improving the public institutions concerned with children had been held in Santiago (Chile), in 1991. A third meeting would take place at San Paulo (Brazil), from 12 to 23 October 1992. It was also worthwhile noting that several Latin American States, including Ecuador and El Salvador, were bringing their national legislation on the rights of minors into line with the Convention. Moreover, joint studies undertaken by the United Nations Interregional Crime and Justice Research Institute and UNICEF had resulted in the publication of a book entitled "Del reverso al derecho, del menor al

ciudadano" (From the wrong side to the right side, from minor to citizen) dealing with the rights of minors and the inclusion of those rights in national legislation.

13. Mr. DAVIES (Defense for Children International Movement) said that the decision to hold a meeting on children's rights each year in Latin America had been taken by several NGOs during the continuation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the adoption of the Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules). The NGOs had been giving their attention for some considerable time to the problems of intercountry adoption and the traffic in children, which Mgr. Bambaren Gastelumendi had mentioned. In 1991, the Ecuadorian section of his organization had arranged a regional meeting on intercountry adoption; furthermore, a representative of the organization had taken part in the last preparatory meeting held at the beginning of 1992 in the Hague, to draft a convention on the matter. The draft convention was to be examined by a diplomatic conference in 1993. As to the question of child labour, the Movement had organized a regional meeting in Caracas, in 1991 together with a number of organizations including ILO and UNICEF.

14. On 14 and 15 May 1992, a meeting had been held in Lima entitled "Encuentro de Discusión para el Seguimiento de la Aplicación de la Convención de los Derechos del Niño" (Symposium to Monitor the Application of the Convention on the Rights of the Child), which was an excellent example of how NGOs were coordinating and organizing activities to defend the rights of children in Latin America. A declaration had been adopted at the close of the symposium, in which participants had pledged to monitor the application of the Convention on the Rights of the Child and declared their willingness to assist States parties in the preparation of their reports, by duly encouraging the active participation of society as a whole. Participants had also decided to set up a regional group to monitor the application of the Convention and to encourage the dissemination of information on the circumstances of children in the region. The Group was open to any member organization wishing to participate in its work and would consider all initiatives favourably. It had prepared a plan for the follow-up of the Convention on the Rights of the Child, which was proving invaluable to the NGOs in their work. The Latin American and Caribbean Network for Children and the Family, Rädda Barnen International, the Inter-American Children's Institute, Defense for Children International Movement and Save the Children had all participated in the Symposium. In order to ensure the follow-up of the application of the Convention on the Rights of the Child with the other NGOs, his organization had opened a permanent regional office in Latin America.

15. The CHAIRMAN noted that most of the events mentioned had been organized on the initiative of NGOs, and, on the whole, the activities undertaken were aimed at promoting and monitoring implementation of the Convention. The Committee should now decide what room should be given in its work to the presentation of such information and whether it wanted to make oral reports on regional activities and measures by international bodies to be a regular feature of its work, or considered it sufficient for documentation on the subject to be available in the Secretariat.

16. Mr. HAMMARBERG pointed out that the Committee had already spent five hours listening to reports on relevant events and activities. It would be advisable for the Committee to adopt a more rigorous and systematic method of work, and useful if, at the start of each session, the Secretariat could provide a report on activities in the various United Nations bodies, specialized agencies and international organizations such as the Council of Europe that were of interest to the Committee. The different organizations might also be requested to provide the secretariat of the Centre for Human Rights with information which was likely to be of interest.

17. There was a trend towards greater coordination in the activities of non-governmental organizations. It would be very much appreciated if the NGOs appointed a single spokesman, who would report to the Committee on their activities in general. The Committee might also derive benefit from some of the research papers or studies prepared by experts working in the field of children's rights.

18. The task of reporting on regional activities should not be assigned to a particular member of the Committee - and it was essential that members should not be made responsible for a particular geographical region - but rather to the Secretariat, which might include regional events of interest to the Committee in the report which it submitted at the start of the session. The report would be of great interest, not only to the Committee, but also to NGOs and Governments. It would provide a comprehensive overview of events and activities in the field of children's rights, about which information was rather scant for the time being.

19. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) pointed out that the Secretariat already prepared information documents on the activities of the Commission on Human Rights and the Sub-Commission. However, in view of its very small staff, it would be virtually impossible to prepare a report on the activities of all the United Nations specialized agencies and regional bodies. The Secretariat assisted the Committee in all aspects of its work relating to the consideration of reports, which was of course the Committee's principal task.

20. Mr. DAVIES (Defense for Children International Movement) said that, since an NGO meeting was scheduled for 12 and 13 October, the Secretariat might submit a formal request before that date with a view to the preparation of a joint report by the NGOs for the Committee. He thought that NGOs might undertake such a task, although it was in fact very difficult to collect information on activities carried out in the different regions of the world.

21. Mrs. BADRAN said that the Committee had no time to waste and she therefore suggested that it define, there and then, the type of information it really needed; otherwise, it would run the risk of finding itself with too much information. What was the most urgent and vital information it needed? How could the information be processed efficiently?

22. Mr. HAMMARBERG said that a systematic approach should be adopted, which would save the Secretariat being flooded with information which was of no value to the Committee. It would be useful for the Secretariat to continue to prepare fact sheets or information documents on the activities of the

Commission on Human Rights and the Sub-Commission, as well as the activities of the human rights treaty monitoring bodies. As to UNICEF, United Nations bodies and the specialized agencies, they should be contacted before the start of session and invited to provide information. The same procedure could be followed in the case of ILO, WHO and FAO, as well as non-governmental organizations.

23. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that she had not mentioned the human rights treaty monitoring bodies, since it was standard practice for the Committee to assign some of its members the task of following their activities.

24. Mr. HAMMARBERG said it was important to distinguish between the responsibility of the Secretariat and that of the Committee. The Secretariat should provide basic information for the rapporteur, and the Committee should follow the activities of the treaty bodies and supplement the information received, as necessary.

25. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that the Secretariat was willing to send members information on the activities of other treaty bodies, highlighting developments which were likely to be of interest to the Committee.

26. Mrs. SANTOS PAIS said that the Secretariat should provide Committee members with an information document that would serve as a basis for their work, and draw their attention to important measures adopted in other United Nations treaty bodies. Furthermore, it would be useful for the Secretariat to submit a similar document on important measures adopted at the regional level. In dealing with the issue of the system of documentation and information, it was important not to lose sight of the aim of the Convention, namely, to implement children's rights in a spirit of complementarity and systematic interaction. That was particularly important since the Committee did not meet all year round and, between sessions, its members might well lose track of what was happening both inside and outside the United Nations. Lastly, she would stress the need for rationalization of the Committee's work: each member should be allotted a specific follow-up task, in accordance with the recommendations adopted at the first session. For her part, she was at the Committee's disposal, and, if it so wished, would be responsible for general introduction of topics, in her capacity as rapporteur.

27. Mr. DAVIES (Defense for Children International Movement), referring to the activities of NGOs in Asia, said that a meeting of regional experts had been held on the protection of children's rights and, in particular, the question of intercountry adoption. The aim of the meeting had been to exchange experience and to draft national recommendations with a view to preventing the sale and traffic of children. Unfortunately, intercountry adoption was prevalent in many Asian, Latin American and African countries. In some Latin American countries, as many as 10,000 children had been illegally adopted, as Mgr. Bambaren Gastelumendi would no doubt confirm. He could provide the members of the Committee with a list of the recommendations that had been adopted at that meeting.

28. Like Mrs. Santos Pais and Mr. Hammarberg, he wished to underline the importance of being kept abreast of events and activities organized by other bodies within the United Nations system. In that connection, his organization maintained close contact with the United Nations Committee on Crime Prevention and Control in Vienna, and sent experts to various meetings, such as the meeting on the manipulation of children by adults in criminal activities, held recently in Rome. The Committee on Crime Prevention and Control was currently being restructured: a new committee had met and, in order to assist it, an international scientific and advisory council had recently been set up. He also mentioned that cooperation between his organization, the Vienna Committee and the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), which were endeavouring to create greater awareness in more countries about the provisions of the specialized instruments (Standard Minimum Rules for the Administration of Juvenile Justice, the Riyadh Guidelines, and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty) as well as the relevant articles of the Convention on the Rights of the Child.

29. Mgr. BAMBAREN GASTELUMENDI said that, like Mrs. Santos Pais, he was in favour of close cooperation between the Secretariat and the Committee, since the information it could provide would greatly facilitate the Committee's work at the regional level. Nevertheless, the Committee must not devote too much time to the issue during its meetings. He saw the Committee's essential role as being in some sense the world's conscience as far as children's rights was concerned; in that capacity, it was responsible for alerting countries to serious problems facing children throughout the world. The non-governmental organizations should focus on certain particularly distressing problems, such as illegal adoption, sexual exploitation, including the trafficking in young girls, as well as the situation of children in armed conflicts in former Yugoslavia, Afghanistan, Latin America, and child labour and so on.

30. The CHAIRMAN, summarizing the discussion so far, said it seemed that the Committee expected the Secretariat to pass on all information collected on activities conducted by the treaty monitoring bodies as well as any other relevant data. The Secretariat should also provide all members of the Committee with information which it might have received from individual members. The Committee also instructed the Secretariat to issue a formal request to non-governmental organizations with a view to preparing a joint report for the Committee on activities of possible interest. Furthermore, it had been proposed that the Secretariat should also draft a report on developments in the various regions which were likely to interest the Committee.

31. Mr. HAMMARBERG said that, at the present session, the Committee should consider information from four sources: first, the departments of the United Nations itself; second, the United Nations specialized agencies, such as UNICEF and ILO; third, the regional intergovernmental organizations; and last, the non-governmental organizations which were explicitly referred to or covered by the term "competent bodies" used in article 45 of the Convention on the Rights of the Child. It was important that the reports submitted to the Committee should be selective and properly structured; furthermore, the

Secretariat should provide information on the activities of United Nations treaty monitoring bodies, and the Committee should clearly determine how it intended to fulfil its mandate.

32. Mr. SWEPSTON (International Labour Organisation) proposed that a draft country report should be submitted to the Committee, so that members could assess whether that type of report contained the information it was looking for, which might include details of the ILO Conventions ratified by the State in question and information concerning technical cooperation provided by ILO.

33. Mrs. EUFEMIO wondered whether it might be possible for the States parties to include information in their reports on how ILO as well as other specialized agencies and United Nations bodies operated in their countries.

34. Mr. SWEPSTON (International Labour Organisation) replied that, in the reports submitted to other United Nations treaty monitoring bodies, Governments generally referred to the ILO Conventions they had ratified, but usually refrained from mentioning any criticism which ILO might have made in connection with their implementation.

35. Mr. HAMMARBERG remarked that the current discussion dealt with two types of information which the specialized agencies and United Nations bodies could supply. He suggested that a general debate be held at the start of each session on topics of interest to the Committee, such as the ratification of new ILO conventions. Later, in considering country reports it might be useful to enlist the services of an informal technical group. During the preparatory meetings of the pre-sessional working group, the specialized agencies and United Nations bodies could provide information on each State party, which would subsequently be conveyed to the Committee. The latter point should be studied in more detail, however, so that the specialized agencies and United Nations bodies would know what type of information the Committee expected.

36. Mr. GOMES DA COSTA asked for further details on ILO's Interdepartmental Project on the elimination of child labour.

37. Mr. SWEPSTON (International Labour Organisation) said that ILO had launched two different technical assistance programmes and proposed that the Committee should invite the ILO officials in charge of the programmes to provide further information on the subject at a later meeting.

38. Mr. HAMMARBERG said that Mr. Swepston had made an interesting proposal and that the Committee had much to learn on the subject from ILO, as well as other United Nations specialized agencies. He therefore proposed that the Secretariat should notify WHO and HCR so that they could also be present during the discussion on technical assistance programmes.

39. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee wished to adopt Mr. Hammarberg's proposal.

40. It was so decided.

41. The CHAIRMAN, recalling the proposal to the effect that the general debate should take place once a year at the Committee's September-October session, so that other meetings could be allocated to the consideration of country reports, said that, if she heard no objection, she would take it that the Committee wished to adopt that proposal.

42. It was so decided.

43. The CHAIRMAN said that, if she heard no objection, she would also take it that the Committee decided that each member would continue to follow the activities of the treaty body which had been assigned to that member and that the Rapporteur would continue to submit a general statement, as proposed by Mrs. Santos Pais.

44. It was so decided.

45. Mr. KOLOSOV asked what relations the Committee would have with organizations such as the Council of Europe and the Conference on Security and Cooperation in Europe, with which it had not so far had any contact.

46. Mrs. EUFEMIO recalled that members of the Committee were not supposed to represent the region to which they belonged, either personally or as representatives of any institution.

47. Mr. HAMMARBERG said it might be dangerous to persist in dividing the world into regions. Furthermore, Committee members would probably not have time to study in detail what was being done with respect to children's rights in such organizations as the Council of Europe. It would be useful to write to those organizations, requesting them to provide the Secretariat with the necessary information. The Rapporteur could then transmit it to the Committee.

48. Mrs. SANTOS PAIS said that, if the Committee merely requested information in writing from intergovernmental regional organizations, the bureaucratic process was such that the replies might arrive very late. It might therefore be more useful to act more flexibly and allow experts possessing the requisite information to communicate it informally to the Secretariat, which could then transmit it to the Committee.

49. Mrs. EUFEMIO said that she was familiar with the Economic and Social Commission for Asia and the Pacific, whose Division of Social Development was responsible for dealing with problems related to children. It was, however, difficult to know which were the specialized departments in the various intergovernmental regional organizations.

50. The CHAIRMAN recalled that the Committee had decided to assign to each expert a treaty body, but not a regional body.

51. Mr. HAMMARBERG said it now remained to determine the order in which the Committee should deal with the various problems. It would, in his view, be useful to group together all the questions to be put by the Committee to the specialized agencies and to United Nations bodies, i.e., in addition to technical assistance questions, those concerning statistical and

socio-economic indicators and those relating to information systems. It might also be useful first to consider the question of the information required under each section of the reporting guidelines (agenda item 9) in order to determine the areas in which the Committee needed indicators.

52. Mrs. SANTOS PAIS said the Committee should meet in closed session so that it could more freely discuss the positions it would have to adopt with respect to information on States parties from specialized agencies, United Nations bodies or treaty bodies.

53. Mrs. BELEMBAOGO and Mr. MOMBESHORA said that it would be wiser to deal with the question of statistical indicators before engaging in a substantive discussion on the information required under each section of the reporting guidelines.

54. Mr. HAMMARBERG said that it would be useful first to determine the fields in which the Committee needed indicators; that would not prevent it from reverting to the question later in more detail.

55. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee decided to consider the question of statistical indicators first.

56. It was so decided.

The meeting rose at 1.05 p.m.